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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) DA 92-1016
)
Policies and Rules Pertaining) RM-8012
to the Equal Access Obligations)
of Cellular Carriers)

COMMENTS OF OCOM CORPORATION

OCOM Corporation ("OCOM") hereby submits these comments in response to the Notice of Proposed Rulemaking ("NPRM") issued by the Federal Communications Commission ("Commission") in the above-captioned proceeding¹ in response to the Petition for Rulemaking filed by MCI Telecommunications Corp. ("MCI").

OCOM is a facility based carrier as well as a reseller of interexchange service whose primary market is cellular users. In fact, OCOM's trade name is The Cellular Long Distance Company. OCOM cannot compete in markets where the cellular carrier does not offer equal access and prohibits interexchange carriers from carrying traffic from its subscribers.

OCOM submits that it is in the public interest to allow cellular subscribers the opportunity to pre-subscribe to the interexchange carrier of their own choice.

¹Policies and Rules Pertaining to the Equal Access Obligations of Cellular Carriers, CC Docket No. 92-1016, Notice of Proposed Rulemaking (rel. June 10, 1992).

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INTRODUCTION

OCOM strongly supports MCI's Petition. Cellular carriers who are not affiliated with Regional Bell Operating Companies ("RBOC's") and therefore are not required to offer Equal Access to their customers continue to restrict their customers from the benefit of choice.

Smaller providers of interexchange service, such as OCOM, are thus not given the opportunity to increase interexchange competition in the cellular industry offering services to these markets.

OCOM strongly urges the Commission to require all cellular carriers and resellers to offer Equal Access to all of their customers.

DISCUSSION

I. Cellular Phone Service Has Been Widely Accepted.

The number of Americans using cellular telephones grew 43% in 1991, to a record 7,600,000 customers according to the Cellular Telecommunications Industry Association ("CTIA"). CTIA also reports that 2,300,000 subscribers were added in 1991 in the United States and Canada. Annual revenues exceed five billion dollars².

Cellular phones have proven to be an important part of the communications industry in the United States. The use of cellular phones has expanded throughout our society and is no longer limited to business users. As cellular becomes more ubiquitous it is clear that cellular customers should no longer be treated as second class telecommunications services consumers. Their right to choose their service provider should not be restricted if as in the present case, the technology exists at reasonable cost to accommodate that choice.

²CTIA press release dated March 17, 1992.

2. Equal Access Has Resulted in Increasing Competition Among Long Distance Carriers.

Since required by the terms of the Modification of Final Judgment³, the price for interexchange telephone service has dropped significantly, while the level of service has increased. Competition created by equal access has created a lower cost service with more options and better quality.

Extending this requirement to all cellular carriers will have the same result. Ultimately, their customers will obtain the benefit of the competitive interexchange market that now exists for certain landline and other cellular customers. In fact, OCOM recommends that the competitive equal access process be opened to all qualified carriers without exclusion, and would therefore permit the cellular carrier itself to participate in the process (either directly or through an affiliate), if such participation was not otherwise prohibited by law.

3. The Ballot Procedures Should Be Used to Implement Equal Access.

If the Commission decides to offer all cellular customers the right to select their own long distance service, OCOM recommends that established balloting procedures be used⁴. By sending a ballot to each subscriber, the subscriber will be well informed of the various services offered and the process to choose a long distance provider.

The merits of the balloting procedure have long been recognized and there is no reason to deviate from their methodology⁵.

³Modification of Final Judgment, U.S. v. AT&T, 552 F. Supp. 131 (D.D.C., 1982).

⁴See, e.g., Investigation of Access and Divestiture Related Tariffs, Appendix B, 101.F.C.C. 2d 911, 927, - 934 (1985).

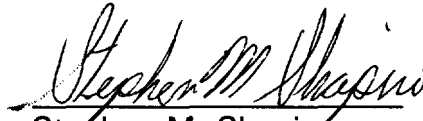
⁵See id at 913.

Conclusion

WHEREFORE, for the foregoing reasons, OCOM supports the Petition for Rulemaking filed by MCI Telecommunications Corp. urging the Commission to apply uniform, nationwide, interexchange equal access policies and procedures to cellular licensees.

Respectfully submitted,

OCOM Corporation

A handwritten signature in cursive script, reading "Stephen M. Shapiro", written over a horizontal line.

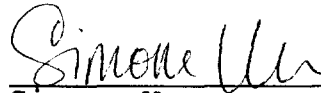
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Dated: September 2, 1992

CERTIFICATE OF SERVICE

I, Simone Wu, hereby certify that a copy of the foregoing Comments of OCOM Corporation was sent this 2nd day of September, 1992, first class mail, postage pre-paid, to the following:

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Simone Wu